Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 10, 19 and 25 have been amended. Claims 2-5, 7, 11-13, 20, 22, 26 and 28 were previously canceled. No claims have been added or canceled in this amendment. Thus, claims 1, 6, 8-10, 14-19, 21, 23-25, 27, 29 and 30 are pending.

CLAIM OBJECTIONS

Claim 10 was objected to for lacking a period. Claim 10 has been amended to add a period. Accordingly, Applicants request that the objection to claim 10 be withdrawn.

Claims 1, 10, 19 and 25 were objected to for the phrase "within ***properties*** of the error correction code…" (Emphasis in Office Action). Claims 1, 10, 19 and 25 have been amended to correct the identified phrase. Accordingly, Applicants request that the objection to claims 1, 10, 19 and 25 be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claims 1, 3, 6, 8-10, 12, 14-19, 21, 23-25, 27, 29 and 30 were rejected as being anticipated by EP Patent No. 0 381 885 to Gagliardo (*Gagliardo*). Claims 3 and 12 were previously canceled. Therefore, the rejection of claims 3 and 12 is moot. For at least the reasons set forth below, Applicants submit that claims 1, 6, 8-10, 14-19, 21, 23-25, 27, 29 and 30 are not anticipated by *Gagliardo*.

Claim 1 recites:

> writing a failure codeword in the memory location if the data read is corrupt, wherein the failure codeword is chosen within limits of the error correction code so that the failure codeword is not interpreted as a read value and a mathematical distance of the failure codeword from all correctable data patterns of the error correction code is greater than the minimum distance of the error correction code.

Thus, Applicants claim choosing a failure codeword within the limits of the error correction code so that the failure codeword is not interpreted as a read value and the mathematical distance of the failure codeword from all correctable data patterns of the error correction code is greater than the minimum distance of the error correction code. Claim 19 recites similar limitations.

Gagliardo merely discloses inverting bits when bad data is identified. See page 3, lines 38-58. Nothing in *Gagliardo* teaches or even implies that the mathematical distance of the failure code word from all correctable data patterns of the error correction code is greater than the minimum distance of the error correction code.

Applicants note that the characterization of this limitation in the Office Action of June 22, 2005 is not supported by a citation to *Gagliardo*. The Office Action asserts that generating check bits and inverting the check bits is equivalent to the minimum distance limitation cited above. However, nothing in *Gagliardo* supports this assertion. Therefore, *Gagliardo* cannot anticipate the invention as claimed in claims 1 and 19.

Claims 6, 8 and 9 depend from claim 1. Claims 21, 23 and 24 depend from claim 19. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 6, 8, 9, 21, 23 and 24 are not anticipated by *Gagliardo* for at least the reasons set forth above.

Claim 10 recites:

> an error correction code decoder coupled to the read device to determine if the data read is corrupt, and if so, cause a failure codeword to be written to the memory location from where the data was read, wherein the failure codeword is chosen within limits of the error correction code so that the failure codeword is not interpreted as a read value and a mathematical distance of the failure codeword from all correctable data patterns of the error correction code is greater than the minimum distance of the error correction code employed.

Claim 25 recites similar limitations.

As discussed above, *Gagliardo* does not disclose a failure codeword that is chosen within limits of the error correction code so that the failure codeword is not interpreted as a read value and a mathematical distance of the failure codeword from all correctable data patterns of the error correction code is greater than the minimum distance of the error correction code employed. Therefore, *Gagliardo* cannot anticipate the invention as claimed in claims 10 and 25.

Claims 12 and 14-18 depend from claim 10. Claims 27, 29 and 30 depend from claim 25. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 12, 14-18, 27, 29 and 30 are not anticipated by *Gagliardo* for at least the reasons set forth above.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1, 6, 8-10, 14-19, 21, 23-25, 27, 29 and 30 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the

examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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